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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,613	10/26/2001	Jason C. H. Shih	4171-102 CIP	4213
23448	7590	09/09/2005	EXAMINER	
INTELLECTUAL PROPERTY / TECHNOLOGY LAW PO BOX 14329 RESEARCH TRIANGLE PARK, NC 27709			ART UNIT	PAPER NUMBER

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/007,613

Applicant(s)

H. SHIH, JASON C.

Examiner

Zachariah Lucas

Art Unit

1648

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 25 August 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

Note- attached pages of Federal
REgister, Volume 69, No. 155, pages
49962-63, and 49978.

Continuation of 10. Other (including any explanation in support of the above items): The Brief does not comprise the items required under 37 CFR 41.37(c) under the appropriate headings as set forth in the rule. In particular, the Brief contains the separate sections of Issues and Grouping of the Claims instead of the required section (37 CFR 41.37(c)(1)(vi)) of "Grounds of rejection to be reviewed on appeal." Further, the Appeal Brief identifies issues, not rejections, to be determined. The new rules require the identifies of the rejections on appeal. See, 69 Federal Register, page 49962, right column (item [8]).

The Brief does not provide a concise explanation of only the independent claims, and those dependent claims that are argued separately as required by 37 CFR 41.37(c)(1)(v).

With respect to item 9 above, it is noted that in response to comments on the revised rules regarding appeals, the Office indicated that if there are no related decisions, the Appendix regarding such must still be included, but would indicate that there are no such decisions. See, 69 Federal Register, page 49978, Comment 60 (right column).

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James C. House

JAMES HOUSEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

9/8/05